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Total Number of Pages in This Submission

Application Number	10/074,050
Filing Date	February 14, 2002
First Named Inventor	Shunpei YAMAZAKI et al.
Group Art Unit	2818
Examiner Name	D. Le
Total Number of Pages in This Submission	Attorney Docket Number 0756-2434

ENCLOSURES (check all that apply)

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Remarks

The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 50-2280 for the above identified docket number.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Eric J. Robinson, Reg. No. 38,285 Robinson Intellectual Property Law Office, P.C. PMB 955 21010 Southbank Street Potomac Falls, VA 20165
Signature	
Date	March 1, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
 Shunpei YAMAZAKI et al.
 Serial No. 10/074,050
 Filed: February 14, 2002
 For: METHOD OF MANUFACTURING A
 SEMICONDUCTOR DEVICE



-) Group Art Unit: 2818
-) Examiner: D. Le
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Adrian M. Stanger

RESPONSE

Honorable Commissioner of Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

The Official Action mailed December 1, 2003, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on February 14, 2002 (received by OIPE on April 5, 2002), December 20, 2002, and January 31, 2003. However, the Applicants have not received acknowledgment of the IDS filed on February 14, 2002 (received by OIPE on the same date). The Applicants respectfully request that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of the Information Disclosure Statement noted above. A further Notice of Related Application is submitted herewith and consideration of this Notice of Related Application is respectfully requested.

Claims 107-179 are pending in the present application, of which claims 107, 126, 142 and 161 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 107-179 under the doctrine of obviousness-type double patenting over claim 1 (or claim 10) of co-pending U.S. Application No.

10/072,931 to Yamazaki et al. As stated in MPEP § 804, under the heading "Obviousness-Type," in order to form an obviousness-type double patenting rejection, a claim in the present application must define an invention that is merely an obvious variation of an invention claimed in the prior art patent, and the claimed subject matter must not be patentably distinct from the subject matter claimed in a commonly owned patent. Also, the patent principally underlying the double patenting rejection is not considered prior art.

The Applicants respectfully traverse the obviousness-type double patenting rejection because independent claims 107, 126, 142 and 161 of the present invention are patentably distinct from the claims of Yamazaki '931. Specifically, claims 107, 142, and 161 recite forming a third semiconductor film containing one conductive type impurity element on the second semiconductor film, and claim 126 recites adding one conductive type impurity element to only an upper layer of the second semiconductor film. The claims of Yamazaki '931 do not teach or suggest a one conductive type impurity element. Therefore, the Applicants respectfully submit that the subject application is patentably distinct from the claims of the Yamazaki '931 patent. Reconsideration of the obviousness-type double patenting rejection is requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,


Eric J. Robinson
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